

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-51, drawn to a method of making a composition of magnetic particles by forming said magnetic particles within a protein template and then subject such liquid composition of those templates to a microporous membrane filtration step prior to forming those magnetic particles.

Group II, claim(s) 52-97, drawn to a method of treating a liquid composition of magnetic particles each formed within a macromolecular template by subjecting the composition to a microporous membrane filtration step.

Group III, claim(s) 98-131, drawn to a stable composition of magnetic particles wherein each nanoparticle is encapsulated by an encapsulating material, wherein at least 70% by weight of the nanoparticles are not in agglomerated form and wherein the composition comprises no more than 30% free encapsulating material.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is no corresponding special technical features among the three groups because group I does not involve the step of making the magnetic particles having at least 70% by weight of the nanoparticles in non-agglomerated form or any encapsulating material, Group II is a method of treating a liquid composition and group III is a magnetic particles formed by 70% non-agglomerated nanoparticles which are encapsulated in no more than 30% free encapsulating material.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pensee T. Do whose telephone number is 571-272-0819. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pensee T. Do/
Examiner, Art Unit 1641
June 22, 2008

/Long V Le/
Supervisory Patent Examiner, Art Unit 1641